

BILL ANALYSIS

Senate Research Center
88R1642 MLH-D

S.B. 990
By: Hall
State Affairs
3/24/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2008, a pilot program for the countywide polling place program was established to permit counties to conduct elections at countywide voting locations instead of by precinct. Early on, participation was limited to counties that exclusively used electronic voting systems and maintained computerized and linked registration lists at polling places. The program has expanded each year since its inception to include over 90 counties. To participate in the program, a county first must hold a public hearing and solicit input. Some election workers have expressed concern that countywide voting creates vulnerabilities in election security and frustrates chain-of-custody measures.

This bill repeals Section 43.007 that establishes the countywide polling place program. It repeals the subsection requiring judges of countywide polling places to be appointed from the list of names of persons submitted by the county chair. It repeals the subsection requiring the governing body of the political subdivision that uses the countywide polling places to designate as the polling places for any required runoff election only the polling places located in the territory or in and near the territory of the political subdivision where eligible voters reside. It repeals the subsection requiring the commissioners court of a county in which countywide polling places are used to employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places. It strikes references to participation in the countywide polling place program established under Section 43.007.

As proposed, S.B. 990 amends current law relating to elimination of the countywide polling place program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to secretary of state is modified in SECTION 1 (Section 31.014, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 31.014(a) and (c), Election Code, as follows:

(a) Requires the secretary of state (SOS) to prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 (Accepting Voter) that require the device to:

(1)-(5) makes no changes to these subdivisions;

(6) if the county has more than one early voting polling place, transmit a time stamp when each voter is accepted, including the voter's unique identifier, to all polling place locations, rather than if the county participates in the countywide polling place program under Section 43.007 (Countywide Polling Place Program) or has more than one early voting polling place, transmit a time stamp when each voter is accepted, including the voter's unique identifier, to all polling place locations;

(7)-(8) makes no changes to these subdivisions.

(c) Requires SOS to adopt rules that require a device described by Section 31.014 (Certification of Electronic Devices to Accept Voters) used during the early voting period to update data in real time. Deletes existing text requiring SOS to adopt rules that require a device described by this section used during the early voting period or under the countywide polling place program under Section 43.007 to update data in real time.

SECTION 2. Amends Section 32.0511(d), Election Code, as follows:

(d) Provides that not more than two student election clerks are authorized to serve at a polling place. Deletes existing text providing that not more than two student election clerks are authorized to serve at a polling place, except that not more than four student election clerks are authorized to serve at any countywide polling place.

SECTION 3. Repealers: Sections 32.002(c-1) (relating to the appointment of election judges) and 43.004(c) (relating to authorizing the governing body of the political subdivision to designate as the polling places for any required runoff election only the polling places located in the territory or in and near the territory of the political subdivision where eligible voters reside), Election Code.

Repealers: Sections 43.007 (Countywide Polling Place Program) and 85.062(f-1) (relating to requiring the commissioners court of a county to employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places), Election Code.

SECTION 4. Effective date: September 1, 2023.